

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**


|                                 |   |                           |
|---------------------------------|---|---------------------------|
| MELBA MARTINEZ,                 | § |                           |
| Plaintiff,                      | § |                           |
|                                 | § |                           |
| v.                              | § | MISC. ACTION NO. C-05-128 |
|                                 | § |                           |
| SOCIAL SECURITY ADMINISTRATION, | § |                           |
| Defendant.                      | § |                           |

**MEMORANDUM OPINION AND ORDER DISMISSING PLAINTIFF'S  
COMPLAINT AND DENYING PLAINTIFF'S APPLICATION TO PROCEED  
IN FORMA PAUPERIS**

On December 14, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 4). After ample opportunity, no objections have been filed by either party. This Court regards such omission as each party's agreement with and acceptance of the Magistrate Judge's findings of fact and conclusions of law. Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's Memorandum and Recommendation. *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). This Court adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, plaintiff's application to proceed *in forma pauperis* is denied and her complaint is dismissed for failure to state a claim upon which relief can be granted.

ORDERED this 31 day of January, 2006.

  
HAYDEN HEAD  
CHIEF JUDGE